



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,469	04/06/1999	ANNE O'CONNELL	922-48	5034

7590 11/19/2002

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD, 8TH FLOOR
ARLINGTON, VA 222014714

EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/286,469

Applicant(s)

O'CONNELL, ANNE

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37-CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being participated by Michels et al (U.S Patent No 6,161,144).

Regarding claim 1, Michels discloses a network switch for a packet-based data communication network, comprising a plurality of ports for the reception and transmission of data packets and means for establishing a lookup table (database) for controlling the passage of data packets between the ports, the lookup table comprising a data table for holding data entries each comprising a media access control address and an identification of a port, and a pointer table of which the entries each comprise a

network address and an associated pointer to an entry in the said data table. See figure.4, figure.9, col.7 lines 35-65, col.11 lines 25-45.

Regarding claim 2, Michels discloses a network switch having the pointers associated in said pointer table with network. See col.11 lines 25-45.

Regarding claims 3, 5 Michels discloses a network switch including means for hashing network addresses of said packets to access said pointer table. See col.3 lines 40-45.

Regarding claim 4, Michels discloses a method of operating a network switch in a packet-based data communication network, wherein the network switch has a multiplicity of ports each connected to a respective group of remote stations by way of an intermediate network device, the network switch responding to network addresses in packets received by the network switch to look up in a data table a media access control address for the respective intermediate device (col.6 lines 20-55), said method comprising:

(a) responding to a network address of an incoming packet to access a pointer table of which the entries each include a network address and an address pointer, the address pointer identifying an entry in said data table (col.7 lines 35-65), and

(b) causing the address pointers for all the network addresses of remote stations coupled to the switch by way of the same intermediate device to identify a single common entry for that device in said data table (col.11 lines 25-45).

Regarding claim 6, Michels discloses a network switch for a packet-based data communication network, comprising a plurality of ports for the reception and

transmission of data packets which include network address data and media access control address data, comprising:

a memory (database) for controlling the passage of data packets between the ports, the database comprising a first data table for holding data entries each comprising a network address; and

means for accessing said first data table in response to network address data in said packets; and

further comprising a second data table containing entries comprising forwarding data including a destination media access control address; wherein:

said entries in the first data table each include a pointer to an entry in said second data table. See col.11 lines 25-45.

Regarding claim 7, Michels discloses a network switch, wherein the pointers associated in said first data table with network addresses which share a common media access control address in said switch all identify a single common entry in said second data table. See figure 9.

Regarding claim 8, Michels discloses a network switch according, wherein said means for accessing comprises means for hashing network address data of said packets to access said first data table. See figure 4A and figure 5.

Regarding claim 9, Michels discloses a network switch for a packet-based data communication network, comprising a plurality of ports for the reception and transmission of data packets which include network address data and media access control address data, comprising:

Art Unit: 2665

a database for controlling the passage of data packets between the ports, the database comprising first and second data tables, wherein:

said first data table holds data entries each comprising a network address and a pointer to an entry in said second data table; and

said second data table contains data entries each including a destination media access control address and an identification of a port;

whereby different entries in said first data table can contain pointers to the same data entry in said second data table. See col.9 lines 30-65.

Regarding claim 10, Michels discloses network switch for a packet-based data communication network, comprising a plurality of ports for the reception and transmission of data packets which include network address data and media access control address data, comprising:

a database for controlling the passage of data packets between the ports, the database comprising first and second data tables, wherein:

said first data table is accessible in response to network address data in said data packets and holds data entries each comprising a network address and a pointer to an entry in said second data table; and

said second data table contains data entries each including a destination media access control address and an identification of a port;

whereby different entries in said first data table can contain pointers to the same data entry in said second data table. See col.10 lines 35-60.

Regarding claim 11, Michels discloses a network switch further comprising hashing said network address data in said packets to access said first data table. See col.11 lines 30-40.

Response to Argument

3. Applicant's arguments files on 08/27/02 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that Michels does not disclose a first table having pointers point to a second table that contains MAC destination addresses (network addresses). However, Examiner disagrees with the argument because Michael in col.11 lines 23-45 discloses a looking up table that includes a pointer table 202 having pointers pointing to a destination network addressing table having network addresses.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2665

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU
PRIMARY EXAMINER